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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,645	01/10/2001	Jeffrey Allen Hamilton	37304-0200	9524

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EXAMINER
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TANG, SON M

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/758,645

Applicant(s)

JEFREY ALLEN HAMILTON

Examiner

Son M Tang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20,22,23,26-32,34-42,44-49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,23,26-32,34-42,44-49,51 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20, 26-32, 34-42, 44-49 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bernard et al.** [ U.S. Pat. 5,515,043 ] in view of **Kikinis** [U.S. Pat. 5,815,093 ].

**As to claim 1:** **Bernard et al.** discloses a device [28 in Fig. 1] being adapted for mobile use by a wireless cellular telephone or computer (maybe PC or Laptop) for wireless coded access of vehicle incident data from a remote vehicle module [12] located on a vehicle [as cited in the Abstract] and [col. 3, lines 50-54 and col. 4, lines 25-30](it also well-known that PC or Laptop computer had been used widely for download information from remote location); the device comprising,

-at least one interface could be met by a [keypad] of a cellular telephone for transmitting a code [PIN] to the remote vehicle module to access the data; and

-the claimed "an information datalink coupled to the interface for receiving the accessed data" is inherently included in the computer system; and a transceiver [18] coupled, at least

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indirectly, to the information datalink (voice/data), the transceiver [18] adapted to transmit the accessed data from the remote vehicle incident recording system [12] located on the vehicle to the device [28] or to a secure location separate from the device [as shown in Fig. 1-2 and col. 3, lines 50-54, and col. 7, lines 9-15];

Bernard et al. disclose vehicle's data such as position, location, velocity and other data regarding vehicle [24], however, Bernard et al. does not specific express that wherein the data including a video from vehicle incident recording system. **Kikinis** teaches a computerized vehicle log which comprising a video recording data [as shown in Fig. 1 and col. 3, lines 30-34]. It would have been obvious of one having ordinary skill in the art at the time the invention was made to employ a video incident recording on the vehicle as suggested by Kikinis into the system of Bernard et al. for record more precisely evident information beside location and speed, which would provided comprehensive and factual vehicle incident (accident) data to enhance an accident investigator's ability to determine cause more accurate.

**As to claim 2-4:** Kikinis further teaches a transfer terminal [77] shown in Fig. 1, which uses to transfer data from the computerized vehicle log to a user's output medium, such as to a memory tape or disk, to prevent from being overwritten, when the device's data memory is full [col. 5, lines 58-68].

**As to claims 5-13:** As stated by Bernard et al. that the device is a computer, therefore it would be obvious that the computer is including of all the components and function such as a hard disk drive, a visual display screen for viewing vehicle information such as video, vehicle identification, off-board visual output interface (such as TV) and audio playing function.

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**As to claims 14-16:** As taught by Kikinis above, the computerized vehicle log should be included the time information [cited in col. 3, line 49], includes a dynamic information (which information prior to accident) and control information [cited in col. 4, lines 13-47].

**As to claim 17:** Bernard et al. and Kikinis are not specific disclose that wherein the interface is a second transceiver. However, Bernard et al. use a transceiver on the cellular phone to retrieve information from the remote vehicle system, it would be obvious to assume that the transceiver is a first transceiver and the transceiver located in the vehicle system is a second transceiver.

**As to claims 18-20 and 28-30:** Bernard et al. Further disclose that wherein the transceiver includes a download (transmission) trigger for initiating downloading of information from said recording system and to respond to the occurrence of a predetermined event (col. 3, lines 55-60, col. 4, lines 35-58) and respond to transmitted instructions (as requested by a remote caller col. 4, lines 5-15).

**As to claims 26-27:** Bernard et al. further disclose that the transceiver provides a transmission link is a direct satellite link [as shown in Fig. 1].

**As to claims 31-32 and 34:** As stated by Bernard et al. and Kikinis that the device is use as a mobile device, because the cellular phone can carried on any places and any vehicle is not exceptional, therefore, it is would have been obvious that the mobile device of Bernard et al. is adapted for use in any vehicle any station as claimed.

**As to claim 35:** As stated the access interface above, Bernard et al. and Kikinis are not specific disclose wherein the interface is a limited access interface. However, as long as the

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interface is being retrieved, employing any device such as limited/unlimited access interface for performing the same function would not constitute step but an obvious design choice.

Claims **22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bernard et al.** in view of **Kikinis** in claim 1 above, and further in view of **Shamosh et al.** [US 5,144,661].

**As to claims 22-23:** Bernard et al. and Kikinis are disclose the instant invention except for, the transceiver is adapted to download encrypted information and the device to decrypt the download information. It is well-known in the art of Shamosh et al. which teach an incident recording and transmitting system that comprising, a decryption device [41 in Fig. 2] and be able to decrypt information download from the incident recording system. It would have been obvious of one having ordinary skill in the art at the time the invention was made to have a decryption device as taught by Shamosh et al. into the system of Bernard et al. for the purpose of safety and security.

**As to claims 36-42, 44-49 and 51-52:** The claimed method steps are interpreted and rejected as rejection stated above.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.  
--Adcox et al.[US 6,359,570].
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

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706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Son M. Tang** whose telephone number is (703) 306-5970. The examiner can normally be reached on Mon. to Fri. from 7:30a.m. to 5:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, **Daniel Wu**, can be reached on (703) 308-6730.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

5. **Any response to this action should be mailed to :**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to: (703)872-9314 (note: for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Son Tang

January 21, 2003

  
**DANIEL J. WU**  
**PRIMARY EXAMINER**  
1/24/03